

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

April 22, 2003

**RESPONSIBLE STAFF:**

Trudy Schwarz  
Community Planning Director

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

Resolution of the Mayor and City Council Granting Approval of Road Code Waivers for Variable Paving Widths and Reduced Centerline Radii for the Hidden Creek Land Bay III Development Schematic Development Plan SDP-01-006- RC-29

**SUPPORTING BACKGROUND:**

The applicants, Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II, LLC and Churchill Development Corporation have submitted a Road Code Waiver (RC) application RC-29 requesting approval of road code waivers for variable paving widths, reduced centerline radii and reduction of a future 34-foot street section to be built as an 18-foot paved section until such time as adjacent development permits full build-out of the 34-foot street section.

This request applies to Land Bay III only, however the waiver request resemble those granted previously by the Mayor and Council in Land Bays I and II of Hidden Creek. The subject property is located north of Girard Street, east of Odend'hal Avenue and south of Mid County Highway and is zoned MXD (Mixed Use Development).

The Planning Commission recommended approval of the Schematic Development Plan SDP-01-006 on April 9, 2003 with 32 conditions for the development which reduces the unit count from 727 dwelling units to 462 dwelling units (16 single family detached, 330 Single-Family Attached, and 116 2-over2 Condominium Units) on 56 acres of land. Condition 25 requires approval of a road code waiver by the Mayor and Council prior to approval of the Schematic Development Plan approval.

Staff recommends that the waivers for reduction of the 100' centerline radius for six locations noted on the enclosed exhibit be granted. Also recommended for approval is the widening to 26' of paving in the areas where the 50' centerline radius is utilized as well as the request to permit a non standard design and variable paving width 20'-34' to permit parking on both sides of the street where feasible and two 10'-wide travel lanes. The request to permit temporary construction of an 18-foot paved section of a future 34-foot street section is also recommended for approval. Conditions for approval are attached to the resolution granting the waiver.

**Attached:**

Exhibit 1 Resolution  
Exhibit 2: Application  
Exhibit 3: Waiver Request Plan  
Exhibit 4: Applicant's 4/10/03 and 2/28/03 Letters re RC-20

**DESIRED OUTCOME:**

Adopt Resolution Approving the Recommended Road Code Waivers for Land Bay III

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND CITY COUNCIL  
GRANTING APPROVAL OF ROAD CODE WAIVERS FOR  
VARIABLE PAVING WIDTHS, STREET SECTIONS,  
AND REDUCED CENTERLINE RADII FOR  
THE HIDDEN CREEK LAND BAY III DEVELOPMENT  
SCHEMATIC DEVELOPMENT PLAN SDP-01-006

**RC-29**

WHEREAS, Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II, LLC, and Churchill Development Corporation have submitted an application for road code waivers to the City of Gaithersburg requesting a waiver of road code as follows:

1. City standards require a 100-foot centerline radius; the waiver request is for a 50-foot centerline radius for six locations within the aforementioned Land Bay and further to widen to 26 feet the paving widths in the area where said 50-foot centerline radius is proposed;
2. City standards require a 26-foot tertiary paving section; the waiver request is to permit a non standard design and variable paving width 20'-34' to include parking on both sides of the street where feasible, two 10-foot wide travel lanes, and a four-foot wide planting strip;
3. City standards require construction of a 34-foot street section for Alley GG; the waiver request is to permit a short segment of the roadway to be built as an 18-foot paved section with parallel parking on one side to serve one-way traffic only; and

WHEREAS, the Planning Commission reviewed the subject road code waiver requests as part of their recommendation on the Schematic Development Plan SDP-01-006 on April 9, 2003, at which time they recommended approval of the road code waivers in conjunction with their 32 conditions of approval; and

WHEREAS, the applicant's engineer has submitted sufficient justification for the waiver request:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Gaithersburg, that the Road Code Waiver RC-29 is hereby approved subject to the following conditions:

1. The Department of Public Works, Parks Maintenance and Engineering and the City Fire Marshal shall review and approve the final design of the road code waiver requests, finding that the streets will operate safely and may require additional safety measures.
2. Prior to issuance of building permits, Developer is to record an agreement to dedicate, design and escrow funds or other surety for the full construction of alley GG between Street F and Alley A to a 34-foot street width. Construction of the new street to be by others at the time of the release of the parking easement for the shopping center.

ADOPTED by the City Council on the 22<sup>nd</sup> day of April, 2003.

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THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled, on the 22<sup>nd</sup> Day of April, 2003.

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David B. Humpton, City Manager

## ROAD CODE WAIVER APPLICATION

In accordance with Chapter 19, Article II of the City Code

Application No. RC-29  
 Fee \$1000  
 Date Filed 3/3/03  
 P&CA Review Date \_\_\_\_\_  
 DPW&E Review Date \_\_\_\_\_  
 PC Review Date \_\_\_\_\_  
 PC Action \_\_\_\_\_  
 M&CC Review Date \_\_\_\_\_  
 M&CC Decision \_\_\_\_\_  
 Decision Date \_\_\_\_\_

**SUBJECT PROPERTY**Subdivision HIDDEN CREEK, LAND BAY III Road PROPOSED ON-SITE PUBLIC ROADSApplicable Site Plan N/A Date of Approval by Planning Commission N/AApplicable Preliminary Subdivision Plan N/A Date of Approval N/AAPPLICANT'S HIDDEN CREEK I, LLC, SANDLER AT HIDDEN CREEK, LLC, HIDDEN CREEK II, LLC,  
CHURCHILL DEVELOPMENT CORP.Name \_\_\_\_\_ Daytime Phone ( 301 ) 981-2259Street Address C/O CENTEX HOMES 9007 SHADY GROVE CT. Unit Number \_\_\_\_\_City GAITHERSBURG State MD. Zip Code 20877**WAIVER REQUEST**Subdivision and/or Road PROPOSED ON-SITE PUBLIC ROADSClassification RS - RESIDENTIAL SECONDARYRequired paving and ROW widths PAVING REQ. = 26', R/W REQ. = 50'Other required specifications 100' MIN. CENTERLINE RADIUS

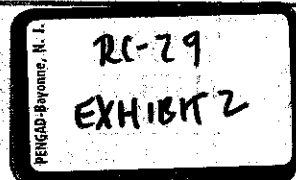
Section (code or street itself) to be waived \_\_\_\_\_

Describe waiver request REDUCTION OF 100' CENTERLINE RADIUS TO MIN. 50' RADIUS.REDUCTION OF PAVING FOR DRIVE ISLE WIDTH FROM 26' TO 20' - SEE ATTACHED LETTER -Describe reason for requested waiver CENTERLINE RADIUS REDUCTION TO MINIMIZE TRAFFIC SPEEDTHROUGH TURNING MOVEMENT. PAVING REVISION TO ALLOW ON-STREET PARKING ON  
BOTH SIDES OF PROPOSED STREETS.Development to be served by road in question HIDDEN CREEK, LAND BAY III**SUBMISSION REQUIREMENTS**

1. Storm Drain and Paving Plans
2. Waiver justification prepared for applicant by a registered engineer
3. Fee (see fee schedule)

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature \_\_\_\_\_

Date 02.12.03

Ex. Mid County Highway

#### STREAM VALLEY BUFFER WAIVER

**Storm water management easement "A" (north facility):**  
 Proposed 50' storm water management easement to extend from proposed pond to existing stream within SVB.  
 On-site SVB disturbance = 2,320 sf  
 Off-site SVB disturbance = 3,765 sf  
 On-site tree disturbance area = 928 sf  
 Off-site tree disturbance area = 3,765 sf  
 Floodplain disturbance area = 2,993 sf


#### Sanitary sewer outfall easement:

Proposed 50' sanitary sewer outfall easement extending from proposed public R/W to existing WSSC mainline within stream valley buffer (SVB).  
 On-site SVB disturbance = 3,019 sf  
 Off-site SVB disturbance = 9,286 sf  
 On-site tree disturbance area = 928 sf  
 Off-site tree disturbance area = 9,283 sf  
 Floodplain disturbance area = 8,725 sf

**Storm water management easement "B" (east facility):**  
 Proposed 50' storm water management easement to extend from proposed pond to existing stream within SVB.  
 On-site SVB disturbance = 3,125 sf  
 Off-site SVB disturbance = 6,247 sf  
 On-site tree disturbance area = 1,500 sf  
 Off-site tree disturbance area = 6,247 sf  
 Floodplain disturbance area = 5,157 sf

#### Underway path:

Proposed 3' path meandering in and out of SVB both on and off-site. Path is proposed to make direct connections to public R/W's within Hidden Creek site and requires two stream crossings.  
 On-site SVB disturbance = 50,843 sf  
 Off-site SVB disturbance = 46,995 sf  
 On-site tree disturbance area = 48,712 sf  
 Off-site tree disturbance area = 36,502 sf  
 Floodplain disturbance area = 46,511 sf

**SWM Infiltration Trench:** AT LOCATION MARKED   
 If soils allow, provide 10,000 a.f. SWM infiltration trench within SVB as requested by city staff. Temporary disturbance within SVB for installation of pipe connection and infiltration device and then restored to existing conditions.  
 On-site SVB disturbance = 10,389 sf  
 Off-site SVB disturbance = 0 sf  
 On-site tree disturbance area = 0 sf  
 Off-site tree disturbance area = 0 sf

#### Floodplain Fill:

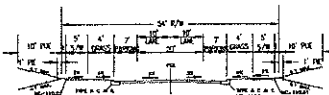
Proposed Fill Surface Area = 5,015 S.F.  
 Proposed Fill Depth (avg.) = 2.6 feet  
 Proposed Floodplain Fill = 483 cubic yards\*  
 \* Floodplain variance required for fill exceeding 600 cubic yards.

#### ROAD CODE / PARKING WAIVER GENERAL CONDITIONS:



1. AT LOCATIONS MARKED  LESS THAN 100-FOOT (PROV. ST) CENTERLINE RADIUS AT TURN, ACTS AS A TRAFFIC-CALMING FEATURE, ENCOURAGES PEDESTRIAN ACTIVITY, AND CREATES ADDITIONAL ON-STREET PARKING OPPORTUNITIES.

2. VARIABLE PAVING WIDTHS 20' - 34' TO ALLOW PARKING ON BOTH SIDES OF STREET WITH 10'-FOOT TRAVEL LANES.
3. IN AREAS OF PARALLEL ON-STREET PARKING PROVIDE ORNAMENTAL TREES WITHIN 4'-0" GREEN SPACE.

 STREET TREE WAIVER REQUEST LOCATION



#### LEGEND:

-  PROPOSED BUS STOP
-  PROPOSED CROSS WALKS

## SCHEMATIC DEVELOPMENT PLAN WAIVER REQUEST PLAN

City of Gaithersburg, Maryland

*Hidden Creek*

**R&A**  
 ROODER & ASSOCIATES, INC.  
 10000 WOODBURN ROAD, SUITE 100  
 GAITHERSBURG, MD 20878  
 TEL: 301-927-1100  
 FAX: 301-927-1101  
 WWW.RANDASSOCIATES.COM

#### EXHIBIT

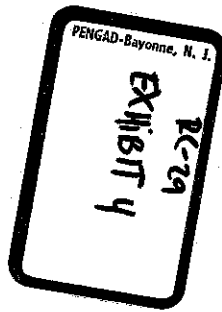
Hidden Creek Land Bay II	
SVB Area Impact: Zone Impact within SVB due to total outside and sewer under construction.	
SWM "A"	
On-Site	2,320
Off-Site	3,765
Sub-Total	6,085
SWM "B"	
On-Site	3,125
Off-Site	6,247
Sub-Total	9,372
Sanitary	
On-Site	3,019
Off-Site	9,286
Sub-Total	12,305
<b>Total</b>	<b>28,562</b> 5.7 Acres of disturbance
Highway	54,776 5.7 of 2.1 replacement 1.20 Acres at 2:1 replacement

PC-29  
 EXHIBIT 3  
 PENGAD-Bayonne, N. J.

# **■ LINOWES AND BLOCHER LLP**

ATTORNEYS AT LAW

1010 Wayne Avenue, Tenth Floor  
Silver Spring, MD 20910-5600  
301.588.8580  
Fax 301.495.9044  
Website: [www.linowes-law.com](http://www.linowes-law.com)

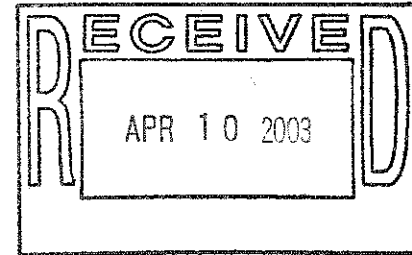


April 10, 2003

**Todd D. Brown**  
301.650.7113  
[tdb@linowes-law.com](mailto:tdb@linowes-law.com)

## **By Hand Delivery**

Mr. Sidney Katz, Mayor  
and Members of the City Council  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, Maryland 20877-2098



Re: Hidden Creek Land Bay III - Supplemental Road Code Waiver Request

Dear Mayor Katz and Members of the City Council:

On behalf of the Applicants, this letter supplements the pending road code waiver request for Land Bay III of the Hidden Creek development. Please consider this supplemental information, along with the previously submitted material, at your April 22, 2003 meeting.

Based on continued discussions between the Applicants and City Staff, a need has been identified to widen the proposed minimum 20-foot paving width to 26-feet in the area of the 50-foot centerline radius proposed at several locations within the project as shown on the Waiver Request Plan submitted as a part of the SDP application. Specifically, by widening the roadway paving width from 20 feet to 26 feet, the Applicants will provide sufficient paving width to safely accommodate larger vehicles on the roadway in the vicinity of the 50-foot centerline radius. Vehicles traveling in the opposite direction will now have sufficient room to move around larger vehicles that might be encountered at curves along the roadway. The Mayor and Council approved this same configuration for Hidden Creek Land Bay I.

In addition, this letter requests a waiver of the City's standard 34-foot street section to allow a short segment of roadway to be built as an 18-foot paved section with parallel parking on one side to serve one-way traffic only. The one-way road segment is located next to the existing parking area serving the adjacent shopping center. The parking area is located within an easement on the Hidden Creek property and therefore cannot be removed at this time. A diagram illustrating the proposed section (identified on the SDP as Alley GG) is enclosed. As shown on the enclosed diagram, the proposed street section also includes two 6-foot wide planting strips, street trees on both sides, and a 5-foot wide sidewalk in front of the units.

The Applicants and Staff have agreed that the one-way road segment should be dedicated as a public street as shown on the Schematic Development Plan. The Applicants have further agreed that prior to issuance of building permits within Land Bay III, the Applicants will enter

Mr. Sidney Katz, Mayor  
April 10, 2003  
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into and record an agreement with the City to dedicate, design and escrow funds or other security for the full construction of the one-way road to the City's standard 34-foot section for two-way traffic. This construction would be done by others using the escrowed funds when the parking easement is released.

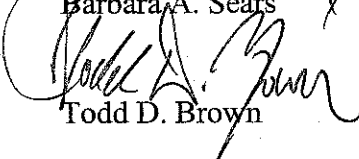
Thank you for your consideration of this supplemental request. If additional information is required prior to the Mayor and Council's meeting on April 22, please contact us.

Sincerely,

**LINOWES AND BLOCHER LLP**



Barbara A. Sears



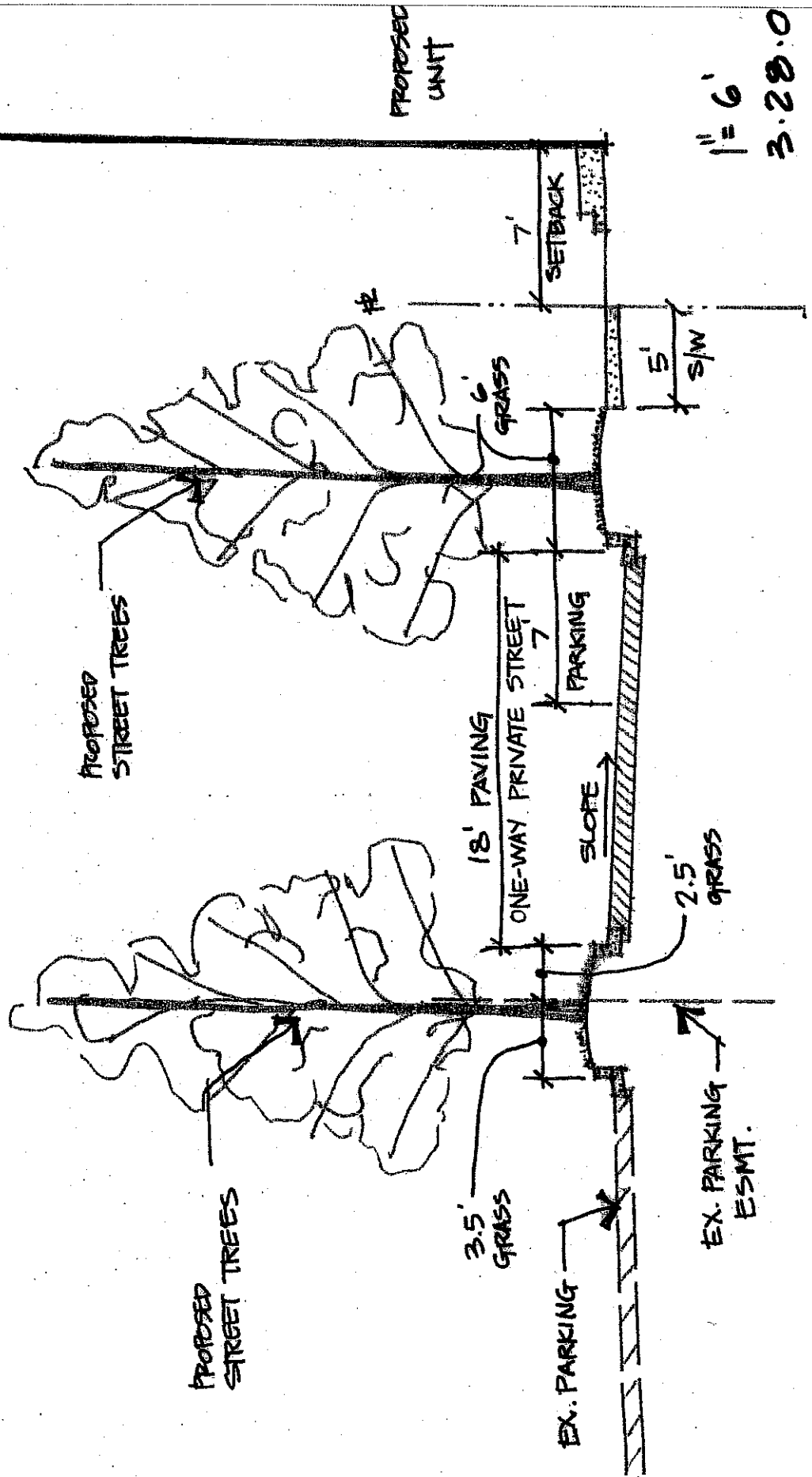
Todd D. Brown

BAS/TDB:bta

Enclosures

cc: Mr. David Humpton  
Mr. Fred Felton  
Ms. Trudy Schwarz  
Mr. Jim Arnoult  
Mr. Ollie Mumpower  
Mr. Bob Larkin  
Mr. Marty Mankowski  
Mr. Steve Sandler  
Mr. Richard Braver  
Mr. Tom Hudson

# HIDDEN CREEK LB. III





# LINOWES AND BLOCHER LLP

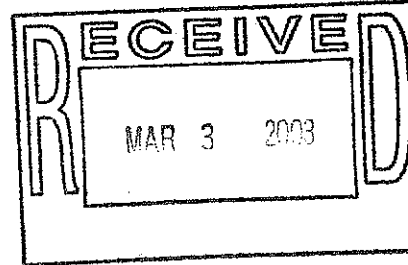
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February 28, 2003

Barbara A. Sears  
Todd D. Brown  
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301.650.7113

Honorable Sidney Katz, Mayor  
and Members of the City Council  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, Maryland 20877



Re: Revised Request for Waiver of Road Code Provisions, Environmental and Landscaping Standards (Hidden Creek – Land Bay III)

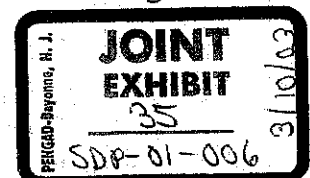
Dear Mayor Katz and Members of the City Council:

On behalf of the Applicants, Hidden Creek I, LLC, Sandler at Hidden Creek LLC, Hidden Creek II LLC and Churchill Development Corporation, the purpose of this letter is to request a waiver of the City's road design criteria to permit use of a non-standard tertiary street section and reduced turning radii within Land Bay III (the "Property") to provide significant additional on-street parking and to enhance safety within the community. This letter also requests approval for land disturbing activities within the stream valley buffer. Lastly, this letter requests a technical waiver of the landscaping requirement to provide "Street Trees" on all public streets. This letter modifies and updates our prior letters dated September 19, 2003 and February 27, 2003. We also note that by separate letter Rodgers Consulting has confirmed the findings and conclusions expressed herein.

## **Road Code Waivers**

### **Nonstandard Typical Section for Street B and Reduction of Centerline Turning Radii**

As shown on the Amended Sketch Plan Internal Roads Plan and the Schematic Development Plan Internal Roads Plan ("Internal Roads Plan"), the typical section for "Street B" will consist of a non-standard design (two 10'-wide travel lanes and two 7'-wide parallel parking areas on both sides, where feasible). The design includes parallel parking on *both* sides of the road. The City's standard 26-foot paving section permits parallel parking on one side of the street only (two 9 ½'-wide travel lanes and one 7'-wide parallel parking area on one side). In addition, centerline turning radii have been narrowed slightly to reduce vehicle speed consistent with the design



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and Members of the City Council

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speed for the roadway. The proposed minimum 50-foot turning radii have been designed to provide adequate stopping site distance and sufficient lane width around curves to allow vehicles traveling in the opposite direction sufficient room to safely maneuver around larger vehicles they may meet. The location of the modified street design elements are shown on the Revised Schematic Development Plan Waiver Request Plan prepared by Rodgers Consulting ("Revised Waiver Plan") to be submitted under separate cover.

The traditional neighborhood design elements reflected on the Amended Sketch Plan and SDP deemphasize the importance of the automobile in favor of a more pedestrian friendly environment. As noted above, the design elements include parking on both sides of the street where feasible and more compact centerline turning radii. These elements act to slow traffic and encourage pedestrian use. By providing additional on-street and parallel parking opportunities and encouraging slower vehicle speeds, particularly near important internal street connections, pedestrian activity will be fostered in an environment that is comfortable to both pedestrian and driver.

The street paving width within Land Bay III will vary from a minimum 20-foot width which provides two 10-foot travel lanes and no on-street parking to a maximum 34 feet to permit parallel parking on *both* sides of the street. In this regard, the City's standard 26-foot tertiary street cross section accommodates two travel lanes (one in each direction) and a single row of parallel parking. The travel lanes within the standard section are each approximately 9 ½ feet wide, leaving 7 feet on one side only for parallel parking. As shown on the Internal Roads Plan, the street cross section will provide parallel parking on *both* sides of the street where feasible and will have travel lanes that are a minimum 10 feet wide each. As noted above, the waiver will allow the Applicants to provide significant additional parking spaces dispersed within the project. Therefore, granting the waiver will significantly increase parking opportunities in the community while maintaining safe and adequate travel lane widths that are slightly wider than would be provided with the standard tertiary street design.

Additionally, the centerline radii at the locations shown on the Waiver Plan will be reduced to 50 feet. The modified design will accommodate a significantly larger centerline radius than found at projects such as Lakelands where a minimum 28-foot radius exists and is the same as the modified centerline radius approved by the Mayor and Council for Land Bay I of the Hidden Creek community. The requested turning radii will provide traffic calming benefits and will slow vehicle speeds consistent with the 15 mph design speed. In this regard, we note the design speed for the City's standard 100 foot centerline radius is 25 mph, a speed we believe is

Honorable Sidney Katz, Mayor  
and Members of the City Council  
February 28, 2003  
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inconsistent with the pedestrian emphasis of the community. We further note the broader sweep of a larger turning radius would also reduce on-street parking opportunities.

### **Stream Valley Buffer Disturbance**

Pursuant to Environmental Standards for Development Regulation 01-01, Section 38, this letter also requests approval from the Mayor and Council to disturb limited areas within the stream valley buffer. The disturbance will occur in the locations and maximum amounts specified on the Revised Waiver Plan. The Revised Waiver Plan contains specific details concerning stream valley buffer, tree disturbance and floodplain disturbance areas. Pursuant to agreement with City Staff, the Applicant will plant a total of 1.30 acres of reforestation to compensate at a ratio of 2:1 for the stream valley buffer areas disturbed for the stormwater management outfalls and sanitary sewer outfall. The calculations showing the associated impacts and agreed mitigation are enclosed (Attachment 1).<sup>1</sup>

The stream valley buffer waivers are needed to construct the stormwater management and sanitary sewer outfalls shown on the Amended Sketch Plan and SDP. A waiver of environmental standards is also needed to construct the Green Trail within the stream valley as recommended by the Master Plan. Lastly, an environmental standards waiver is also needed to allow the Applicants to create a stormwater management recharge area within the stream valley buffer if soil conditions permit. City staff encouraged the Applicants to provide this facility and supports this request. No trees would be disturbed to create the stormwater management recharge area and the facility would be located underground. Once construction is completed, the land surface would be restored and stabilized, making it difficult to perceive any prior land disturbance.

### **Landscaping Standards Waiver – Street Trees**

Section 24-237 of the Zoning Ordinance requires “street trees” to be provided on all public streets. The Amended Sketch Plan and SDP include “street trees” where sufficiently wide planting strips will exist and ornamental trees adjacent to all other public streets. We have been advised by City Staff that ornamental trees do not qualify as “street trees” under the City’s forest conservation technical manual. However, in order to provide the significantly increased on-street parking opportunities desired by the City, a reduced width (approximately 4’) planting strip is

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<sup>1</sup> For a discussion of the impacts associated with the sanitary sewer outfall, see our July 17, 2002 letter to Jim Arnoult and Erica Shingara. All other parts of the July 17 letter have been superseded.

Honorable Sidney Katz, Mayor  
and Members of the City Council  
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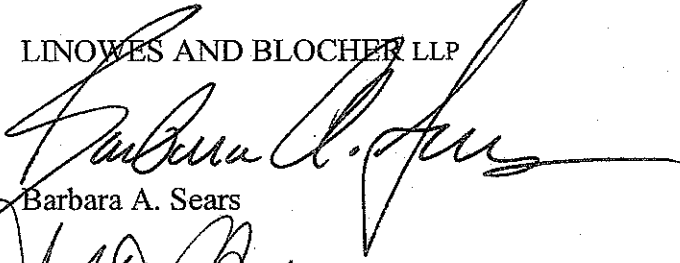
provided with ornamental trees whenever "street trees" cannot fit. Importantly, as shown on the Amended Sketch Plan and SDP, trees, either street or ornamental, will be planted along all public streets. We therefore request a waiver of the technical requirement for "street trees" only along public streets.

In closing, the requested road code, environmental and landscaping standards waivers will enhance the form, function, safety and environmental aspects of the project. The road code and landscape standards waivers will allow significant additional on-street parking spaces and traffic calming measures to be provided consistent with good roadway design criteria while assuring an aesthetically pleasing streetscape. The result will be a better functioning and safer community.

Thank you for your consideration.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears



Todd D. Brown

Enclosure

cc: Mr. David Humpton  
Mr. Fred Felton  
Mr. Howard Katz  
Mr. Robert Larkin  
Mr. Steven Sandler  
Mr. Richard Braver  
Mr. Thomas Hudson